

Appln No. 10/069,915

Amdt date March 17, 2004

Reply to Office action of December 17, 2003

**REMARKS/ARGUMENTS**

Claims 1-35 are pending in this application, of which claims 1 and 30 are independent. Claims 14, 17 and 29 have been amended. The amendments add no new matter and find full support in the application as originally filed. In view of the above amendments and following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

**Rejections Under 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 17 and 29 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Specifically, the Examiner has rejected claim 17 stating that, "[i]n claim 17, line 3, there is a lack of antecedent basis for 'the fixing means.'" (Current Office action, page 2.) The "fixing means" of claim 17 is not meant to refer to an element of any previous claim. As such, Claim 17 has been amended to replace the phrase "the fixing means" with the phrase "a fixing means."

The Examiner also rejected claim 29 inquiring as to the meaning of "corresponding means" in claim 29, line 5. Claim 29 has been amended for clarity. The "corresponding means" of claim 29 refers to a means in the door body that interacts with a means in the at least one fixing node for adjusting the position of the at least one fixing node relative to the door body. Accordingly, Applicant respectfully requests that the

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rejection of claims 17 and 29 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Rejections Under 35 U.S.C. § 102(b)**

The Examiner has rejected claims 30-35 under 35 U.S.C. § 102(b) as allegedly being anticipated by Kowalski (U.S. Patent No. 5,867,942). Applicant respectfully traverses this rejection. Claim 30 is directed to a motor vehicle door comprising a door module having a frame structure; an assembly carrier; and "at least one fixing node provided on the frame structure, wherein the at least one fixing node includes **means for adjusting the position of the window frame relative to the fixing node and the assembly carrier** about a longitudinal axis of the vehicle door." (Emphasis added.)

Kowalski discloses a door cassette 24 that includes an upper door frame 34 (what the Examiner refers to as a "frame portion") and a lower door frame 38 (although the Examiner refers to reference number 46 as "an assembly carrier", reference number 46 refers to a cross member of lower door frame 38, therefore it is assumed that the Examiner intended to analogize reference number 38 to the claimed "assembly carrier.")

As the Examiner correctly states, the frame 34 and the assembly carrier 38 of Kowalski are each adjustably mounted to the lower door 26. That is, the frame 34 and the assembly carrier 38 of Kowalski are pivotable through pivot bolts 28 about axis 55. (FIG. 3; and col. 4, lines 44-49.) However, the frame 34 and the assembly carrier 38 of Kowalski pivot **together** about axis 55. They do not pivot relative to each other. As

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such, Kowalski does not disclose, teach or suggest "means for adjusting the position of the window frame relative to the fixing node and the assembly carrier" as is specified by claim 30. Consequently, Kowalski does not anticipate claim 30.

Claims 31-35 depend from claim 30. Claim 30 is now believed to be in condition for allowance over Kowalski. As such, Applicant submits that claims 31-35 are also allowable over Kowalski as being dependent from an allowable base claim and for the additional limitations they contain therein. Accordingly, Applicant respectfully requests that the rejection of claims 30-35 over Kowalski under 35 U.S.C. § 102(b) be withdrawn.

**Allowable Subject Matter**

The Examiner states that claims 1-16 and 18-28 are allowable and that "[c]laims 17 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in this Office action." (Current Office action, page 3.) Applicant respectfully submits that the amendments to claims 17 and 29 overcome the rejections under 35 U.S.C. § 112, second paragraph. As such, Applicant respectfully submits that claims 1-29 are in condition for allowance.

In view of the above amendments and remarks, Applicant respectfully submits that claims 1-35 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be



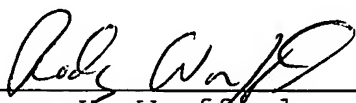
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addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,  
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